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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
DUNCAN, MARC M	
ART UNIT	**PAPER NUMBER**
2113	

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/066,879	GULICK, DALE E.	
	Examiner	Art Unit	
	Marc M. Duncan	2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 March 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,9-18,22-31 and 35-60* is/are rejected.

7)☒ Claim(s) *6-8,19-21 and 32-34* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Status of the Claims

Claims 1-5, 9-18, 22-31 and 35-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Lindsay et al

Claims 40-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poisner in view of Smit et al.

Claims 2-4, 6-8, 15-17, 19-21, 28-30 and 32-34 are objected to.

Claim Objections

Claims 2-4, 15-17 and 28-30 are objected to because of the following informalities: the claims refer to "the embedded ASF management engine." This limitation lacks proper antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 9-18, 22-31 and 35-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Lindsay et al.

Regarding claims 1, 14 and 27:

Lindsay teaches a first bus interface logic for coupling to a first external bus in Fig. 1 – "52, 102, 220, 154, 230."

Lindsay teaches a microcontroller configured as an Alert Standard Format management engine, wherein the microcontroller is further configured to receive ASF sensor data over the first external bus in paragraph 0014 lines 1-3, paragraph 0016 lines 1-2 and lines 4-8 and paragraph 0074 lines 10-11. The ASF enabled network controller is a microcontroller configured as an ASF management engine. The controller receives sensor data over the SMBus, as outlined in paragraph 0074.

Lindsay teaches a watchdog timer coupled to the microcontroller in paragraph 0089 and paragraph 0113.

Lindsay teaches the watchdog timer couple to receive a reset input upon a predetermined change in a system state in paragraph 0051. The paragraph explains that the timer is continually reset while the device is operating. Thus, in the case where the device becomes operational after being non-operational for a period of time, the timer will be reset in response to that change in system state.

Lindsay teaches the watchdog timer further configured to provide an indication to the microcontroller in response to an expiration of the watchdog timer in paragraph 0089.

Regarding claims 2, 15 and 28:

Lindsay teaches a second bus interface logic for coupling to a first internal bus, wherein data from the first external bus is routable by the embedded ASF management engine over the first internal bus in Fig. 1 and paragraphs 16-18.

Regarding claims 3, 16 and 29:

Lindsay teaches an embedded Ethernet controller coupled to the first internal bus in paragraph 17.

Regarding claims 4, 17 and 30:

Lindsay teaches wherein the embedded Ethernet controller is configured to route ASF sensor data from the embedded ASF management engine to an external management server in paragraph 0044.

Regarding claims 5, 18 and 31:

Lindsay teaches wherein the indication provided to the microcontroller includes a microcontroller interrupt in 0113.

Regarding claims 9, 22 and 35:

Lindsay teaches wherein the rest input is provided to the watchdog timer by the microcontroller in paragraph 0113.

Regarding claims 10, 23 and 26:

Lindsay teaches wherein the reset input is provided to the watchdog timer from an external processor in paragraph 0051.

Regarding claims 11, 24, and 37:

Lindsay teaches a register configured to store system status information in paragraph 0046 and paragraph 0089.

Regarding claims 12, 25 and 38:

Lindsay teaches wherein the microcontroller is further configured to read the system status information from the register in response to the indication in paragraph 0046 and paragraph 0089.

Regarding claims 13, 26 and 39:

Lindsay teaches wherein the microcontroller is further configured to provide the system status information to an external management server in paragraph 0074.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 40-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poisner in view of Smit et al.

Regarding claims 40, 47 and 54:

Poisner teaches entering a system state in the computer system (starting the computer system).

Poisner teaches resetting a watchdog timer in col. 2 lines 31-34.

Poisner teaches determining an expiration of the watchdog timer in col. 2 line 66-col. 3 line 3.

Poisner teaches evaluating the system state in the computer system in col. 3 lines 21-40.

Poisner teaches determining a system error in the computer system in col. 5 lines 10-14.

Poisner teaches responding to the system error by a microcontroller on the integrated circuit in col. 3 lines 21-40 and col. 5 lines 10-14.

Poisner does not explicitly teach the watchdog timer being on the integrated circuit. Poisner does, however, teach a watchdog associated with the processor.

Smit teaches the watchdog timer being on the integrated circuit in col. 1 lines 62-64.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the watchdog timer of Smit with the timer-enabled system of Poisner.

One of ordinary skill in the art at the time of invention would have been motivated to make the combination because Smit teaches that the integral watchdog timer of the Smit reference provides improved flexibility to the system.

Regarding claims 41, 48 and 55:

Poisner teaches wherein resetting the watchdog timer on the integrated circuit comprises resetting the watchdog timer on the integrated circuit in response to entering the system state in the computer system in col. 2 lines 31-34 and lines 43-44.

Regarding claims 42, 49 and 56:

Poisner teaches wherein evaluating the system state in the computer system comprises evaluating the system state in the computer system in response to determining the expiration of the watchdog timer on the integrated circuit in col. 3 lines 21-40 and col. 5 lines 10-14.

Regarding claims 43, 50 and 57:

Poisner teaches storing an indication of the system state in col. 3 lines 56-62.

Regarding claims 44, 51 and 58:

Poisner teaches wherein storing the indication of the system state comprises storing the indication of the system state in a storage location on the integrated circuit in col. 3 lines 62-67.

Regarding claims 45, 52 and 59:

Poisner teaches wherein storing the indication of the system state comprises storing the indication of the system state in response to entering the system state in the computer system in col. 3 lines 56-67.

Regarding claims 46, 53 and 60:

Poisner teaches wherein evaluating the system state in the computer system comprises reading the indication of the system state in col. 3 lines 59-67.

Allowable Subject Matter

Claims 6-8, 19-21 and 32-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 40-60 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 3/28/05 have been fully considered but they are not persuasive.

In response to applicant's arguments concerning the reset input from the microcontroller, the examiner respectfully disagrees. In the independent claims, there is no teaching that the reset input is received from the microcontroller. In any case, in the cited paragraphs, Lindsay teaches that if the BIOS sends a start message for a watchdog timer that has already been started, then the controller will reset the processor.

In response to applicant's argument that Lindsay does not teach providing an indication to the microcontroller in response to the expiration of the watchdog timer, the examiner respectfully disagrees. In fact, Lindsay clearly teaches the microcontroller being notified upon expiration of the watchdog timer, as indicated in the cited paragraph 0089. The rejection is maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc M. Duncan whose telephone number is 571-272-3646. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 571-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

md

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